

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RAHEEL BEHNAM POTRIS,

Plaintiff,

v.

Case No. 15-11309

Paul D. Borman  
United States District Judge

SECRETARY OF DEPARTMENT  
OF HOMELAND SECURITY,

Defendant.

Anthony P. Patti  
United States Magistrate Judge

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ORDER ADOPTING THE MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION (ECF NO. 19) AND  
DENYING PLAINTIFF'S APPLICATION FOR COSTS AND FEES PURSUANT TO  
THE EQUAL ACCESS TO JUSTICE ACT (ECF NO. 9)

Before the Court is Magistrate Judge Anthony P. Patti's November 20, 2015 Report and Recommendation regarding Plaintiff's Application for Attorneys' Fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d) ("EAJA"). (Report and Recommendation, ECF No. 19). As set forth in the Report and Recommendation, the Magistrate Judge recommends that this Court deny Plaintiff's Application for Attorneys' Fees because Plaintiff is not entitled to "prevailing party" status under the EAJA.

Having reviewed the Report and Recommendation, and there being no timely objections from either party under 28 U.S.C. § 636(b)(1) and E.D. Mich L.R. 72.1(d), the Court ADOPTS the Report and Recommendation (ECF No. 19); and DENIES Plaintiff's

Application for Attorney's Fees under the Equal Access to Justice Act (ECF No. 9).

IT IS SO ORDERED.

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: December 18, 2015

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 18, 2015.

s/Deborah Tofil

Case Manager